

1. Defendant Kozeny & McCubbin (Kozeny) filed a motion to dismiss Counts I and III of Plaintiffs' Petition for Wrongful Foreclosure, Quiet Title, and Violations of the FDCPA on October 29, 2010. [doc. 14, 15]
2. Defendants America's Service Company (ASC) and Deutsche Bank National Trust Company (Deutsche) filed a Motion to Dismiss on November 8, 2010. (doc. 16, 17]
3. Plaintiffs failed to file a response to said motions.
4. On September 12, 2011, Kozeny filed a Motion to Show Cause seeking an order of the Court compelling Plaintiffs to show why Kozeny's Motion to Dismiss should not be granted. [doc. 18]

5. On September 21, 2011, this Court granted said motion and ordered Plaintiffs to show cause why the motion to dismiss should not be granted. [doc. 19]

6. On September 26, 2011, Plaintiffs filed a Memorandum of Law in Opposition to Defendant Kozeny's Motion to Dismiss [doc. 21] and Defendants ASC and Deutsche's Motion to Dismiss. [doc. 22]

7. Plaintiffs have not to date responded to the Court's September 22 Order to Show Cause.

8. Plaintiffs did not seek nor receive leave to file their responses to the motions to dismiss out of time.

9. Plaintiffs' responses were filed, without leave, almost eleven (11) months after the motions to dismiss were filed.

10. For these reasons, the Court should strike Plaintiffs' memoranda in opposition to the respective motions to dismiss [doc. 21, 22], and find that Plaintiffs have failed to comply with the Court's Order to Show Cause thereby requiring the dismissal of Plaintiffs' claims against Defendants.

WHEREFORE, Defendants respectfully request that the Court strike Plaintiffs' memoranda in opposition to the Defendants' respective motions to dismiss, find that Plaintiffs failed to comply with the Court's Order to Show Cause, dismiss Plaintiffs' claims, and award Defendants their costs and fees incurred herein, and for such other and further orders as this Court deems fit and proper.

Respectfully submitted,

/s/ M. Adina Johnson

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CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2011, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

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